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## CRIME AND THE WAR

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Social changes that have accompanied the war, and, more important still, social changes that may be expected to follow the conclusion of the war are the subject of serious consideration both in England and France. In both countries there has been much discussion of the fact that one of the social changes brought about by the war has been a marked decrease in adult crime. It is pointed out, however, that some of the most important causes of the decrease cannot be expected to survive the war. On the other hand, new factors making for lawlessness may be expected to appear with the "great peace."

Some facts as to the decrease of crime may be briefly stated. For a decade preceding the war, there was in England a marked and almost continuous decrease in the number of persons convicted of crime, but this decline has been much more marked during the three war years for which information is available. The convictions per 100,000 of the population had fallen from 586 in 1904-1905 to 369 per 100,000 in 1913-1914, the year before the war began. Since the war the decline has been abrupt, falling to 281 per 100,000 in 1914-1915, to 159 per 100,000 in 1915-1916 and to 118 per 100,000 in 1916-1917. In the report for the year 1915-1916 of the Commissioners of Prisons for England and Wales, three important reasons are assigned for this decrease. These are: "(1) The enlistment of many habitual petty offenders; (2) the restrictive orders issued by the Central Control Board (Liquor Traffic) and those made by the justices and by the military authorities; (3) the great demand for labor, rendering employment easy and well paid, and resulting in ability to pay fines, this latter being greatly aided by the operation of Section 1 of the Criminal Justice Administration Act of 1914."<sup>2</sup>

With regard to the effect of enlistments, the following points are noted: (1) that the percentage of men forty years and over formed 40 per cent of the total prison population in 1913-1914 and 49 per cent in 1915-1916; (2) that the proportion of able-bodied persons among those committed to prison since the war has decreased. The report says:

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<sup>1</sup>The University of Chicago and the Chicago School of Civics and Philanthropy.

<sup>2</sup>Report of the Commissioners of Prisons, 1916 (Cd. 8342), p. 5.

"One of the notable effects of the war on prison population has been that the receptions are now for the most part confined to the physically and mentally weak. The general standard of physique is now much inferior to that of prisoners admitted into prison in normal times, while the percentage of strong, able-bodied men is comparatively small. There is every reason to believe that the country's call for men appealed as strongly to the criminal as to other classes, and if it had been possible to place under scrutiny every case admitted into prison within military age, there is little doubt but that the vast majority of cases would have been found to be physically unfit. A young burglar, one of a gang of five, told the chaplain of a London prison that his four pals had enlisted; two had been killed, and the two others wounded."

The report of the Prison Commissioners also attributed the decrease in crime in some measure to the restrictions placed on the liquor traffic, for military purposes. In the annual report for 1914-1915 the Commissioners had said: "Reports generally from prisons all over the country agree as to the good effect of the early closing of public houses on the prison population. . . . The governors of metropolitan prisons, where restrictive orders had been general in all areas committing to their respective prisons, are unanimous in reporting that the effect of earlier closing has been to reduce the commitments to prison." It is of interest further that recent statistics given out by the Home Office show a marked decrease in convictions for drunkenness beginning in the closing months of 1914.

The comparable figures for 1913, the year before the war began, and 1916, the last year for which statistics are available, are as follows:

CONVICTIONS FOR DRUNKENNESS.

	Males	Females	Total
1913.....	153,112	35,765	188,877
1916.....	62,946	21,245	84,191

It is noteworthy that there is a decrease in both male and female convictions; that the total number of convictions in 1916 is 55 per cent below the number for 1913; and that the number of convictions for 1916 is the lowest number recorded for this offense in fifty years. The decline in the number of women offenders not only on the charge of drunkenness but for all charges is especially interesting because during our Civil War, although there was a decline in convictions for men, crime among women is said to have increased. On the subject of the woman offender and the charge of drunkenness, the English Prison Commissioners comment as follows in their report for 1915:

"It has been frequently stated that since the outbreak of war there has been an increase in drunkenness among women. In this matter it is not safe to rely too much on statistics. When there is more money to

spend on drink, there is more money to pay fines; and the number of convictions may be reduced by the police being absorbed in other duties, and by the instructions issued to them in certain cases to warn offenders instead of charging them. But so far as prison statistics go, they do not support the view that drunkenness among women has increased. As will be seen from a preceding paragraph, the number of women received on conviction for the offense of drunkenness has fallen from 15,149 in 1913-14 to 14,045 in the year under report, or by 7 per cent. At some of the larger prisons, e. g., Birmingham, Durham, Liverpool and Manchester, the decrease has been greater, the reduction being as high as 16 per cent at Liverpool. At the majority of prisons, the numbers are practically the same as for last year. At two prisons only is a substantial increase recorded, viz., at Newcastle and Plymouth, where the numbers have risen from 481 to 566 and from 47 to 74 respectively.

"At Birmingham, for the period since the outbreak of war, a decrease of cases of drunkenness of no less than 40 per cent is recorded as compared with a similar period in the preceding year. The figures for prostitution have fallen from 90 to 28. It is stated that the physical inferiority of persons now coming to prison, noticeable in the men at this prison, is very marked in the case of the women. It is believed that only four women received were in receipt of separation allowances, and three only receiving charitable relief. It is also suggested that part of the decrease may be due to the demand for workers in factories."

The war has been emptying the prisons not only in England and Wales, but in Scotland and in Ireland. A recent report of the Prison Commissioners for Scotland notes that the outbreak of the war led immediately to a marked diminution in the number of convicted offenders; and, again, the first reason assigned for the decline in the number of prisoners is the fact that a large number of those whose habits of life are ordinarily somewhat irregular and undisciplined, enlisted or were called up and placed under discipline in some branch of the army, where they became subject, if they committed minor offenses, to military and not civil discipline; but the report says, "this does by no means account for the large decrease. There has been a quickening of the sense of citizenship that has had its effect among those who at ordinary times pay little regard to the law. . . . It is probable also," the report adds, "that the operation of the Criminal Justice Administration Act, 1914, has been felt in keeping down the number committed to prison, owing to their being given time to pay fines. . . ."<sup>3</sup> The number of commitments in Scotland for the years preceding the war and the years since the war is as follows:

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<sup>3</sup>Annual Report of the Prison Commissioners for Scotland for the year 1914, pp. 7 & 9 (Cd. 7927). There are also interesting and further comments on this subject in the reports for 1915 and 1916, thus the report for 1915 notes that the decrease in commitments "has been steady and continuous through-

## COMMITMENTS TO PRISON IN SCOTLAND, 1910-1916.

1910 .....	46,466	1914 .....	43,535
1911 .....	46,636	1915 .....	27,340
1912 .....	48,487	1916 .....	19,946
1913 .....	47,086		

Similarly the last published report of the General Prisons Board for Ireland notes that the daily average prison population for 1915 was the lowest on record and attributes the decrease to the three following causes:

(1) The depletion of the male population; (2) the greater prosperity in agricultural and the higher wages and increased employment in industrial areas; (3) the granting of time for the payment of fines under the Criminal Justice Administration Act, 1914.

It is significant that not only the Irish Prison Commissioners but the Commissioners for England and Wales and for Scotland attribute some part of the decline in the number of prisoners to the effect of the important Criminal Justice Administration Act of 1914.<sup>4</sup> Section one of this Act adopted recommendations made by the Prison Commissioners as to the fining system. Since 1905 it has been optional with the courts to give a man time to pay his fine, but in 1914 it ceased to be optional and became mandatory. Thus the first section of the Act of 1914 provided that in all cases time must be given for the pay-

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out the year, and it cannot be attributed to any one cause. It is known that some of those whose conduct in the past led to their imprisonment have joined His Majesty's forces and done their duty by their country. Others have at least modified their irregular habits and done more and better work than they have been used to do; and many who, by reason of their inability to resist the desire for change of occupation have in the past found themselves drifting out of employment into vice and idleness, have been able to secure variety of employment without intervals of destitution, and to live on their honest earnings without breaking the law. The restrictions on the sale of intoxicating liquor have helped to keep them straight by diminishing the opportunities for procuring it and in increasing its cost." The report adds, "In remarking on the decrease in the number of prisoners received into prison, several Governors attribute the fact partly to the reduced drinking facilities following the orders of the Central Control Board (Liquor Traffic) which came into force in August and September, 1915. The governor of a prison in a large industrial center states that the number of prisoners has also been reduced by employers paying prisoners' fines, in order to get the men back to their work owing to the scarcity of labor." See Report for 1915 (Cd. 8255), pp. 4 & 9. Again the report for 1916 notes that the decrease in commitments is "gradual, steady, and continuous, and is due to the changes in social conditions that have resulted from the war. The floating population that contributed so largely to the filling of prisons has diminished greatly in numbers; some have joined the Army, and others have been absorbed by various industries; the indifferent worker has found employment at wages higher than he could command at ordinary times; and there has been a greater pressure to steady him and fewer opportunities offered him for dissipation. It is easier for him to do well and to earn good wages than is the case in ordinary times, and his temptations to do ill are neither so great nor so many." [Report for 1916 (Cd. 8578), p. 4].

<sup>4</sup>4 and 5 George V, c. 58.

ment of fines, and that the time allowed should not be less than seven clear days. If, in special cases, the court is satisfied that no time should be allowed, the reasons of the court for the immediate committal must be stated in the warrant of commitment. Two other points are of importance: (1) when the time fixed for payment has expired, further time may be allowed by the court and payment in installments may be allowed; (2) in imposing a fine, the court is directed to take into account "the means of the offender so far as they appear or are known to the court; and where a fine is imposed, the payment of the court fees and police fees payable in the case up to and including conviction shall not be taken into consideration in fixing the amount of the fine or be imposed in addition to the fine." It is hardly necessary to say that the abolition of fees is a revolutionary step since the court and police fees together often amounted to much more than the fine imposed. Attention should be called to the fact that the Prison Commissioners for Scotland especially commend the provision that the means of the offender should be taken into consideration when fines are imposed. If this were done regularly, one of their reports adds, "it would do away with the abuse which at present often arises from the imposition for certain offenses of fines upon a stereotyped scale, which necessarily press much more hardly upon the very poor than upon those who are better off."<sup>5</sup>

Two further steps toward the abolition of needless imprisonments are: (1) The provision in the 1914 statute which gives the court power to substitute for a sentence of imprisonment, an order that the offender be detained for one day within the precincts of the court; (2) the substitution of "police custody" for imprisonment in case of short sentences; that is, if a sentence of imprisonment does not exceed four days the offender in lieu of imprisonment is to be detained in a "suitable place" certified as such by the Secretary of State.<sup>6</sup> Com-

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<sup>5</sup>Report of 1914, p. 9.

<sup>6</sup>On this point also the Prison Commissioners for Scotland comment favorably, calling attention to the fact that in 1913, there were 1,204 one-day sentences given and 5,214 three-day sentences given, or 6,418 sentences of less than five days. Condemning these short sentences, which it is said cannot possibly have either a deterrent or reformatory effect and which are likely to do harm by giving familiarity with the inside of the prison walls, they commend the new act of 1914, which they say will abolish all these short sentences. This report continues, "This is a step in the direction frequently advocated by the Prison Commissioners, not only in Scotland but in England of abolishing very short sentences. It is, however, legal under this Act to sentence to detention in police cells, when certified as suitable, for periods of not more than four days. It appears to be thought in some quarters that it will be necessary to build detention cells which would be really small prisons under another name, for this purpose, but surely this course would fail to accomplish either

menting on the importance of doing away with short sentences, the English Prison Commissioners, in their report for 1915, make the following emphatic statement: "There is not a single redeeming feature in a short sentence. It carries with it all the social stigma and industrial penalties of imprisonment with no commensurate gain to the offender or to the community. If there still survives in the minds of administrators of justice the obsolete and exploded theory that prison is essentially a place for punishment—and for punishment alone—for the expiation of offenses in dehumanizing, senseless tasks, and arbitrary discipline, truly there could be devised no more diabolical form of punishment than the short sentence oft repeated."<sup>7</sup>

The abolition of the old system of imprisoning people merely because they are poor is an important step in the direction of making the administration of the criminal law more democratic and should be studied with interest here in America, where the last federal census of prisoners showed that in a single day 12,299 persons were found in prison for the sole reason that they were not able to pay their fines. It is true that a few states have adopted the policy of giving poor people time to pay their fines in instalments; but if, as in Illinois, the extension of this privilege is optional with the judges, little good comes of it. Thus in spite of the passage of an "installment fine" law in Illinois in 1915, there were in the year 1916 more than ten thousand persons committed to a single penal institution in Chicago for the non-payment of fines.<sup>8</sup>

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the purpose or the intention of the Act, and would be tantamount to continuing the evil of very short sentences under the new name of detention instead of imprisonment. The right course would seem to be to exhaust first other methods of dealing with petty offenders such as probation, or fines within the means of the offender, with time to pay." . . . Report for 1914, p. 8.

<sup>7</sup>Report of the Prison Commissioners (Cd. 7837), p. 18.

<sup>8</sup>The English Prison Commissioners emphasize especially the importance of the Act of 1914 in preventing the development of a criminal class. Their report for 1915 contains this comment on the probable effect of the Act on young first offenders: "Since the beginning of this century, commitments to prison in the case of what are known as juvenile adults, i. e., prisoners between the ages of 16 and 21, have fallen from 12,178 to 3,663. We have, in former reports, expressed the opinion that still more might be done in the direction of saving these young persons from the stigma of imprisonment by liberal and generous use of the alternatives which the law now provides. It is for this reason that we attach great importance to the operation of Section 1 (3) of the Criminal Justice Administration Act, which enables the Court to place any young person of this age under "Supervision" till any fine is paid. Governors have received instructions to report the committal of persons of this age, and to forward such information concerning the case as they may be able to obtain. We shall make it our duty to call the attention of the Secretary of State to any case where, in our opinion, advantage might have been taken of the powers conferred by this Section. Out of 1,973 male juvenile adult prisoners committed to prison this year, sentenced to one month or under, no less

Now the importance of all this at the present time is the fact that every belligerent nation must be prepared for a grave increase in crime after the war and that the obligations upon society were never greater than they are today to see that every effort is made to save men convicted of minor offenses from the demoralization of a prison term.

A recent report of the English Prison Commissioners commends the military record of the men who were, before the outbreak of the war, looked upon as the outcasts of society. Commenting upon the admirable conduct of some of the ex-prisoners serving with the forces, this report at once commends the fine record of former prison inmates as members of the forces and expresses fear lest, after the war, these men drift back into their old ways. "We have received testimony," says their report,<sup>9</sup> "from many prisons where the authorities, lay and religious, have kept in touch with ex-prisoners now serving in the forces, as to the admirable conduct of many of these men. Recruited as they are from all classes of prisoners, the man fresh from penal servitude, the lad from a Borstal Institution, the petty thief, the habitual drunkard, their country's call has touched a fiber in the hearts of many whose lives hitherto had been shown to be irresponsive to all other calls and motives to honest living and good conduct."

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than 69 per cent were first offenders: and 52 per cent were committed in default of payment of fine, and what is still more significant, 23 per cent paid their fine after reception into prison." Report for 1915 (Cd. 7837), p. 16.

"The Borstal Committee of Bristol Prison in their Annual Report, write as follows: 'We anticipate that the Criminal Justice Administration Act, 1914, which contains important provisions, coming into operation on the 1st of September, 1915, relating to juvenile adult offenders, will have a beneficial effect upon that class, and tend eventually to reduce the number of lads committed to prison. We especially welcome those provisions for the supervision of young offenders. The chief feature of the Act seems to suggest that no youth shall be sent to gaol unless it is imperative for his own sake that a sharp lesson be administered. Kindly supervision and encouragement are to meet the offense which would formerly have been punished with a short sentence of imprisonment, and it is expected that as a consequence lads will not be imprisoned except for such serious offenses as will enable the Court to pass a sentence of sufficient length to allow of real reformation of character being effected.' *Ibid.* p. 18.

<sup>9</sup>Report of the Commissioners of Prisons for the year ended March 31, 1916 (Cd. 8342), p. 13. See also the report for 1915 (Cd. 7837) for further comment on this point. An example of their contribution to their country's service is the story relating to an inmate who enlisted early in September last, was promoted to the rank of lance-corporal, and killed in action in April, 1915. One of his officers wrote to his mother as follows: "Lance-Corporal

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\_\_\_\_\_ was in my company, and perhaps I had more to do with him than the other officers. No one could wish for a braver or better young soldier than he. If volunteers were asked for—whether to take a patrol out toward the enemy's trenches, or to fix up barbed wire in front of our own lines—he was always one of the first to offer his services. He was shot through the head whilst firing over the parapet and killed instantaneously" (p. 9).

Endorsing the hope that after the war these men may be saved from returning to lives of disorder and crime, the Prison Commissioners submit the following extract from the report of the Visiting Committee of Bristol Prison commending it to "all thoughtful persons to whom the after-effects of the war, especially in the case of those who have been redeemed by it from a life of crime and degradation, must be a matter of deep concern." The report of this committee deals with the fine military record of enlisted men who were once prison inmates, but adds this significant statement as to the future:

"When, however, war is succeeded by peace, there will come a time of trial for those who have never turned their backs to a bodily enemy. With the passing of military discipline our brave fellows will be tempted to forget the hardships and miseries of the trenches in a burst of uncontrolled pleasure and license; and if trade be bad and work difficult to obtain, the transitory lapse may, if not checked, become a step on a downward career. We trust it will be possible for the Young Men's Christian Association, the Church of England Men's Society, and other bodies which are doing such a remarkable work for the troops at home and abroad, to provide for this contingency, and to maintain their hold upon those who have learned to look upon them with affection and respect."<sup>10</sup>

The Borstal Association, which has done such good work in assisting discharged first offenders, also calls attention to the danger of a serious outbreak of crime after the war. Thus in one of their recent reports we find this note of warning: "In our vast armies there are thousands of lads living in clothes and on food which are dealt out to all alike, and developing casual habits as to the preservation of their own belongings or respect to those of others. . . . The coming of peace can, therefore, hardly fail to bring a peaceful readjustment of ideas based on these conditions, and a corresponding increase in conflict with laws designed for normal conditions."

In France there is similar anxiety over the possibility of an increase in crime when the war is over, and an article in the *Revue politique et parlementaire* for last April emphasizes the importance of being prepared to meet this increase in criminality that will follow the peace. In this article M. Roux, professor of criminal law in the University of Dijon, comments on the fact that war has emptied the prisons of France and "liquidated the criminality of the past." But grave concern is expressed as to the dangers that may accompany demobilization. Professor Roux points out that for a whole decade after the War of 1870 there was a very great increase in crime. The

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<sup>10</sup>Quoted in the report of the Commissioners of Prisons, 1916, pp. 13-14.

same phenomenon had been noted after the Revolution of 1848, and it was to combat this dangerous situation that Bonneville de Marsangy worked out his "*Amélioration de la loi criminelle*," which was to be the source of the legislative reforms of the Second Empire.

Professor Roux discusses certain economic factors that will make for crime. It is pointed out that the period of industrial and commercial readjustment and reorganization will proceed slowly and will have a dangerous effect upon those who sleep at night without knowing whether they shall eat on the morrow. Resentment over the luxury of the new parvenu is also suggested as a dangerous factor. There will be a new drift to the cities because the peasants in many districts will have lost their interest in the land, and this change will be dangerous. The importance of a carefully considered plan of demobilization is emphasized, for if the demobilization is not carefully carried out, or if it is carried out too suddenly, there will be laborers without resources in all the villages, and acts of violence, disorder, and pillage will occur. Professor Roux therefore urges that in deciding questions of demobilization the problem of law and order must be considered along with economic questions. Society has certainly taken on new obligations toward those who for these years have so generously given their blood on the battlefields, and it is the duty of society to concern itself with their future.

It is urged also in this interesting discussion of *Criminalité après la guerre* that moral conditions will have to be readjusted. Personal morality, it is said, has deteriorated during the years of war with the breaking-up of homes and the perpetual vision of death, and has brought about a state of moral vertigo; and it is idle to suppose that morality will be, at a bound, restored to its old level with the beginning of peace. Professor Roux suggests that after the war the heroes of the Marne, the Yser, of Verdun and the Somme are going to be very troublesome from the point of view of criminal law. One must admit, he says, that war does not develop the virtues of peace. War is a school of courage and sacrifice. It is not a school that teaches respect for the person or the property of others. The men will come back from these years of war with a new outlook, and he fears the habit they have formed of violent solutions and of acts of force. It may be added that whether we agree with him or not, the discussion of this French criminologist deserves serious consideration.

It is of interest that both in France and in England the fear is expressed that the marked increase in juvenile crime which has developed during the war may be of serious import. War, says Professor

Roux, has for children two great evils: (1) Lack of a father's supervision and (2) employment in adult occupations because of scarcity of manual labor. These young delinquents who are growing up may also swell the criminal population in the early days of peace.<sup>11</sup> Already in Great Britain the prison commissioners call attention to a marked increase in the proportion of first offenders. The report of the prison commissioners for Scotland issued on May 3, 1917 complains of the distressingly large numbers of persons committed to prison for the first time. And the report adds, "This, it is to be feared, indicates a considerable tendency to lawlessness on the part of the younger members of the population who have either been exempted from or not yet called up for military service."<sup>12</sup>

In discussing the possible increase in crime at the conclusion of the war, the experience of our own country at the close of the Civil War is of interest. Beginning in 1861 and continuing through the Civil War we had a marked diminution of crime and of the number of prison commitments. Immediately after the establishment of peace, however, there was a great increase in crime and disorder not only in the south, where conditions were abnormal, but throughout the north as well. And a very large proportion of the new offenders in the northern states were the men who had "worn the blue." To some, the large number of soldiers and sailors in prison was a "new occasion for denouncing the war and those who carried it on."<sup>13</sup>

<sup>11</sup>The increase of juvenile delinquency during the war is a subject of great importance, but it is not possible to discuss it within the limits of this paper. Reference should be made however to the very excellent little book, "The Child and the War," by Cecil Leeson, Secretary of the Howard Association (London), and to the discussions in the *Revue pénitentiaire* for March-April, 1916, p. 187, and especially the number for November-December, 1916, p. 488, p. 500.

<sup>12</sup>Annual Report for 1916 (Cd. 8578), p. 3.

<sup>13</sup>*North American Review*, 1866, p. 408. See also the *North American Review*, October, 1867, pp. 580-581. "A year ago allusion was made in these pages to the rapid filling up of our prisons with men who had seen service in the army or navy. At that time, we are confident, at least two-thirds of all commitments to the state prisons in the loyal states were of this class. . . . If so, there cannot be less than five or six thousand soldiers and sailors who fought for the Union now confined in the state prisons of the Union; to say nothing of the tens of thousands besides, who during the year have been confined in the lesser prisons. These things are arousing the interest of many who have never before felt the importance of reforming the discipline of prisoners." In the same review in 1866 (see pp. 409-410) the new interest in the effect of imprisonment was discussed. People were learning with a new interest that American prisons were far from being successful as institutions of reform. The good prisons "almost ineffective for good, the indifferent tending toward evil, and the bad fearfully developing and generating crime, how can we rest under the thought that they are exercising their most hurtful influence upon thousands of these brave men? And this mode of argument, far more forcible than logical, will, we believe, produce in the minds of many a new interest in prison discipline."

Frequently, however, a deep feeling of pity was aroused by accounts of former soldiers who had been sentenced to the penitentiaries, and as early as 1867 a new movement for prison reform was organized because of the fact that the state prisons were being filled with the soldiers and sailors to whom the nation owed the deepest gratitude. Thus a contemporary writer said: "We cannot look with unconcern upon the thousands of veterans now lying in our prisons though their crimes may have been heinous and their punishment deserved. A man who has lost one arm in the defense of the nation, working with the other at the convict's bench is not an agreeable spectacle, nor do we like to see the comrades of Grant and Sherman, of Foote and Farragut, exchange the blue coat of victory for the prison jacket."

Prison reports issued during the period 1865-70 disagree as to how far the grave increase in crime should be attributed to the effects of the great demobilization. For example, the prison commissioner of Wisconsin, who reported a great influx of discharged soldiers among the men received as convicts in 1866, refused to accept the theory that the war had a demoralizing effect on our people. Thus the commissioner says in his report for that year: "It is my honest conviction, that the war had in the main no demoralizing effect upon those of our volunteers who were men of good habits when they entered the army; they, as a general thing, returned with their morals unimpaired. This I consider the rule, but, of course, there are no rules without exceptions." Discussing the large number of prisoners who had come from the army, he also says: "It will be remembered that no inconsiderable number of these persons were discharged from actual confinement in our jails, before having been tried, for the purpose of entering the military service. Thus it happened, that the number of convicts decreased nearly 100 per cent in this prison, during the war, not because there was less crime but because there were less convictions. On the return of these persons, not having been reformed while in the army, they soon relapsed into their old habits and become now the inmates of our jails and prisons."

On the other hand, the warden and inspectors of the Eastern Penitentiary of Pennsylvania attributed the increase in lawlessness to the disbanding of the army. As early as 1865 the officials of this institution reported an unusually large influx of prisoners during the last three months of that year, and the report called attention to the fact that the men received were in poor physical condition and that nine-tenths of them "had been more or less incapacitated and

demoralized by an apprenticeship to the trade of war. . . . That the disbandment of large bodies of troops should produce the effect of not only greatly increasing the amount of crime, but also the grave character of the offenses committed is a fact so severely felt by the community that it may be freely stated without disparagement to the many thousands who from patriotic and other motives have served faithfully and since the close of the war have returned to their customary peaceful avocations.”<sup>14</sup>

In the following year the report of the same penitentiary records an increase in numbers said to be “without precedent in the annals of the institution.” Three-fourths of the convicts had been “active participants in a struggle, unexampled in modern history,” and, the report continued, “by the subsidence of this great national convulsion, this penitentiary, in common with all penal institutions in the country has indirectly received, at least, its own share of shattered mortality.”<sup>15</sup>

With reference to the large numbers of men “fresh from the excitement and comparative freedom from moral restraint incident to camp life,” who had found their way into this penitentiary the report also says: “Many of these freely admit that the inducements to break away from early home restraint while engaged in military life, were too strong for them to resist. These important facts are alluded to for the purpose of enlisting a deeper interest in the moral and social welfare of the homeless and comparatively friendless class of young men who have but recently returned from the army and navy to civil life. A large number of those, above alluded to, have fallen under the ban of the law for the first time, and the crimes of which they were convicted were committed while under the influences of intoxicating drinks.”<sup>16</sup>

Fortunately the report also notes that the number pardoned during the year was larger than usual and that a very large proportion of the pardons were issued to young men who were there “on first conviction and had just been disbanded from the army; who, falling amongst evil associates on their return, were easily led into crime by the wild and reckless habits there contracted.”<sup>17</sup>

Another pitiable aspect of the situation was that the discharged soldiers were often more fit for a hospital than for a prison. The report of the state prison commissioner of Wisconsin notes for example

<sup>14</sup>*Report for 1865*, p. 91.

<sup>15</sup>See *Report of the Eastern Penitentiary for the Year 1866*, pp. 110-111.

<sup>16</sup>*Ibid.*, pp. 122-123.

<sup>17</sup>*Ibid.*, p. 104.

that "many of the prisoners received who have served in the army were physically in a very lamentable condition, being unfit for any manual labor. . . . Proper medical treatment, however, will soon restore their impaired health, and our sanitary rules and regulations are well calculated to make their cure a permanent one."<sup>18</sup>

In the Eastern Penitentiary prisoners who had been in the army and were physically unfit for work were received in the prison as early as 1863, and attention is called more than once to the physical incapacity of the ex-soldiers received after the disbanding of the army in 1865.<sup>19</sup>

A further point of interest in the wartime reports of the old Eastern Penitentiary is that as early as 1863 the increase in juvenile offenders is noted and in 1864, commenting upon the general decrease in the number of prisoners during the war, attention is again called to the distressing fact that there had been an increase in young first offenders.

In conclusion, it will do no harm at this time to recall the fact that the relationship between crime and war was a subject of comment several hundred years before our own Civil War led us in America to take notice of it. The old scholar, Erasmus, writing his *Complaint of Peace* four hundred years ago made "the injury done to the morals of the people, and the general good order and discipline of the state . . . a loss," he said, "which neither money, nor territory, nor glory can compensate," one of the points of his complaint. And a contemporary of that ancient day, writing in his *Utopia*, also described the outbreak of lawlessness and crime that inevitably followed the conclusion of a great war. Thus he described the dark days of a new peace: "When they had no war, peace nothing better than war, by reason that their people in war had so . . . gathered boldness to mischief, that their laws were had in contempt, and nothing set by or regarded."

All this seems to have an important lesson for us today, when the country is agreed that no effort shall be spared to make the transition from war to peace as little onerous as possible to the great numbers of young men from whom we are already asking such heavy sacrifices. In France and England there is no blinking the fact that the close of this war, like the close of former wars, will bring great temptations to anti-social conduct. If the soldiers of our gallant armies are, as in 1865-70, merely to exchange the work of the trenches for the work of the prisons, then certainly it will be true that for them "the war will bring no peace but the peace of despair and darkness." The debas-

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<sup>18</sup>Annual Report of the State Prison Commission, 1866, p. 418.

<sup>19</sup>See e. g., Report for 1865, p. 6 and p. 91.

ing effects of imprisonment were officially acknowledged in Great Britain before the war and, by the abolition of the short sentence and the great reduction of imprisonments for inability to pay fines, a great step was taken in the direction of establishing social justice for the weak and the poor. These are elementary provisions needed for the democratization of the laws of most of our American states and should be one of the permanent social reforms to come out of this war that is so often called the war for democracy.

Up to the present time the United States has probably suffered less and sacrificed less during the war than any nation in Europe, neutral or belligerent. But in France and in England, while such heavy costs of war have been and are still being paid, people and governments are busy with plans for the social reconstruction that must come with the peace. England in the midst of the most gigantic war preparations that the world has ever known has found time for an official Committee and Ministry of Reconstruction in order that those who shall have borne the battle may be helped back into civil life without any unnecessary hardships. Great pity, kindness, toleration, and infinite patience will be needed on all sides when the men go back from the excitement of war to beat their bayonets into ploughshares, and adequate plans for reconstruction should be got under way if the new peace is to be worthy of those who have sacrificed their youth to secure it.